

REMARKS

In response to the above Office Action, claim 1 has been amended to recite that the mixed resin (E) of the fourth layer of the five layered multilayered film is a mixed resin of certain amounts of the isotactic polypropylene of claim 3, an ethylene · 1 butene elastomer, and a high-density polyethylene. The fourth layer of the multilayered film is thus restricted to the type of mixed resins C-1 to C-4 which contain isotactic polypropylene, an ethylene · 1 butene copolymer elastomer, and high-density polyethylene consistent with the fourth layer of the multilayered films of Example 1 of the application and Multilayered Film (1) of Mr. Kataoka's declaration filed July 7, 2003. These multilayered films showed greater pinhole resistance compared to the multilayered film of EP'521, i.e., Multilayered Film (3) of Mr. Kataoka's declaration.

In the Office Action the Examiner continued to reject claims 1-8 for being obvious over Watanabe (EP'521) in view of Watanabe on the grounds that the showing put forth in Mr. Kataoka's declaration was not commensurate in scope with the claims. In the Examiner's opinion the claims were broader than what is being shown in the declaration and the mixed resins shown in the declaration used components which were not claimed in the present invention, "i.e., ethylene · 1 butene copolymer and isotactic polypropylene." Page 4, lines 4-7 of the Office Action.

Main claim 1 has now been restricted to the above components in the fourth layer of the multilayered film; namely, an ethylene · 1 butene elastomer of a defined density and isotactic polypropylene having a defined melt flow rate and melting point.

Accordingly, it is believed that the evidence submitted in the application and declaration of Mr. Kataoka is now commensurate in scope with the claims regarding the components of the mixed resin of the fourth layer of the multilayered film.

Regarding the Examiner's alleged failure to recite certain features of applicants' invention in the claims (page 3, lines 4-18), for example pinhole resistance, these are merely advantageous characteristics of applicants' multilayered films that show why its claimed structure is not an obvious modification of the prior art. They are not essential components necessary to achieve these characteristics. Thus it is submitted they need not be recited in the claims to distinguish over the prior art.

Moreover, this and other noted characteristics could vary depending on environment, thicknesses, etc. So long as such are held constant as was done in Mr. Kataoka's experiments, so the only thing that was varied was the composition of the mixed resin of the fourth layer, the improved pinhole resistance of the multilayered film of the present invention can be relied on to show that the claimed film is not obvious over the prior art without having to recite it in the claims. In other words, it is objective evidence of the unexpected and improved results obtained by applicants' invention. See M.P.E.P. §716.02(a).

It is believed claims 1-8 are in condition for allowance.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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